



## PLANNING COMMISSION STAFF REPORT MAY 11, 2006

<b>Project:</b>	IRVINGTON PET HOSPITAL - (PLN2006-00223)
<b>Proposal:</b>	To consider a Conditional Use Permit and a Variance for the establishment of a veterinary service.
<b>Recommendation:</b>	Approve based on findings and subject to conditions.
<b>Location:</b>	41180 Fremont Blvd in the Irvington Planning Area. APN 525-0621-033-04 (See aerial photo next page)
<b>Area:</b>	2,400 square foot existing building on a 0.32-acre lot
<b>People:</b>	Dr. Deborah Anne Rue, Irvington Pet Hospital Terry J. Townsend, Architect Darryl Alexander, Engineer Joel Pullen, Staff Planner (510) 494-4436; jpullen@ci.fremont.ca.us
<b>Environmental Review:</b>	This project is exempt from the California Environmental Quality Act because it is a minor alteration of an existing facility as defined in Section 15301 of the CEQA Guidelines.
<b>General Plan:</b>	Community Commercial and Medium Density Residential (15 to 18 dwelling units per acre)
<b>Zoning:</b>	Community Commercial District, Irvington District Overlay – C-C (I) and Garden Apartment Residence District – R-G-29

### **EXECUTIVE SUMMARY:**

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The proposed project is a request for a Conditional Use Permit and a Variance to convert an existing 2,400 square foot commercial building into a veterinary hospital. Irvington Pet Hospital proposes to relocate from its current location at 3992 Washington Boulevard in the Irvington Plaza Shopping Center to 41180 Fremont Boulevard. The applicant proposes to enclose the existing patio area in the back to expand the total building size to approximately 3,000 square feet. A Variance is required to allow the facility less than 100 feet from a residential district. Irvington Pet Hospital would operate Monday through Friday, 7:30 A.M. to 6:00 P.M. and on Saturday, 9:00 A.M. to 1:00 P.M.--staffed by two veterinarians and ten additional employees. The types of services offered at the hospital include diagnostic service, lab analysis, surgical service, pharmacy, and boarding of up to twenty dogs and twenty cats.



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Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area

### **SURROUNDING LAND USES:**

- North: Community Commercial (Auto Repair)
- South: Residential buildings (zoned Commercial and Residential)  
across an adjoining parcel developed with a parking lot
- East: Residential zoning with auto repair use
- West: Community Commercial (Trailer Rental)

## **BACKGROUND AND PREVIOUS ACTIONS:**

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Irvington Pet Hospital has been operating for over 40 years in the Irvington District. Irvington Pet Hospital first received Conditional Use Permit (U-64-85) approval by the Planning Commission on November 9, 1964 for a freestanding building at their current location at 3992 Washington Boulevard. The hospital was integrated into the Irvington Plaza Shopping Center when the shopping center was developed in the current configuration in 1982. The applicant, Dr. Deborah Anne Rue, purchased the hospital in 1990 and is currently requesting to relocate the hospital approximately 500 feet away and enlarge that building.

The existing structure at the project site was relocated from 41373 Fremont Boulevard and modified from residential use to commercial use in 1999 for use as a flower shop. The Development Organization (D.O.) building permit application PLN2000-00043 / BLD2000-00310 was not completed and has since expired.

## **PROJECT DESCRIPTION:**

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The proposed project is a request for a conditional use permit to convert an existing 2,400 square foot commercial building into a veterinary hospital. Irvington Pet Hospital plans to relocate approximately 500 feet to the south from its current location at 3992 Washington Boulevard in the Irvington Plaza Shopping Center. The applicant proposes to enclose the existing patio area in the back to expand the total building square footage to approximately 3,000 square feet. The addition will provide more room for the exam and surgical areas and a larger boarding area.

The veterinary hospital will operate Monday through Friday, 7:30 A.M. to 6:00 P.M. and 9:00 A.M. to 1:00 P.M. on Saturday and will be staffed by two veterinarians and ten additional employees. Irvington Pet Hospital services 1,708 active clients and 90% of the clients live within a 2-mile radius of the hospital. The types of services proposed to be offered at the hospital include diagnostic services, lab analysis, surgical service, pharmacy, and boarding of up to twenty dogs and twenty cats.

## **PROJECT ANALYSIS:**

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### ***General Plan Conformance:***

The existing General Plan land use designation for the project site is Community Commercial and Medium Density Residential (15 to 18 dwelling units per acre.) The front half of the parcel (frontage along Fremont Boulevard and approximately 80 feet in depth) is Community Commercial land use designation. The back half of the parcel is Medium Density Residential (15 to 18 dwelling units per acre.) The animal hospital will be located in the structure, which is located in the front half of the parcel designated as Community Commercial. The parking area is located in the back half of the parcel designated as Residential. The proposed project is consistent with the existing General Plan land use designation for the project site because veterinary hospitals are an allowed use in a community commercial land use designation and parking lots are conditionally permitted within a residential designation. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

LOCAL ECONOMY GOAL 3:

*A hierarchy of well defined, vital commercial areas meeting the retail shopping, entertainment and service needs of Fremont residents.*

Analysis: The proposed project is consistent with this goal in that approval of the use permit would indicate continuous support for animal hospital services in Irvington and providing quality veterinary care for Fremont residents and their pets.

LAND USE GOAL 2:

*Commercial development focused in well defined commercial areas.*

Analysis: The project is consistent with this goal because the veterinary use is currently located in a well-defined commercial area and is proposing to relocate within the same established community commercial district.

LAND USE POLICY 2.2:

*Floor Area Ratios (FAR) shown in Table 3-5 are thresholds which shall be applied to all commercial projects.*

Analysis: The FAR threshold for community commercial districts are 0.5 to 1.25 as shown in Table 3-5 “Commercial Land Use Designations, Intensity and Heights.” The FAR of the veterinary hospital with the proposed addition is 0.22 and does not exceed the threshold defined in the General Plan. Additionally, the height and average estimated employees per acre thresholds for the community commercial district are 40 feet for height and 57.3 to 143.2 for average employees per acre. The existing structure where the veterinary hospital is proposed to be located is approximately 14.5 feet in height and does not exceed the threshold defined in the General Plan. The number of employees proposed for the 0.32-acre project site is 12. The average estimated employees per acre is 37.5 and does not exceed the threshold defined in the General Plan.

LAND USE POLICY 2.11:

*Services: All local-serving commercial services are generally allowed including those related to finance, real estate, insurance, business services, home services, personal services and others.*

Analysis: The project is consistent with this policy because the Zoning Ordinance allows animal hospitals in community commercial districts with review and approval of a conditional use permit.

### ***Zoning Regulations:***

As set forth in Section 8-22132 of the Fremont Municipal Code (FMC), the proposed animal hospital is allowed in the C-C (I) district subject to a Conditional Use Permit. The existing structure that will accommodate the proposed animal hospital meets the development standards set forth in the Zoning Ordinance.

### ***Noise and Proximity to Residential Districts:***

FMC Section 8-22132(a) requires that no animal hospitals be established closer than 100 feet from any residential district. Additionally, FMC Section 8-22132(b)(3) requires that animal hospitals in the C-C district shall insulate rooms intended to accommodate animals or otherwise soundproof and vent so that animal noises will not be audible at any point on the perimeter of the property. The front 80 feet of the project site is designated C-C(I) and the back half of the project site, approximately 80 feet, is designated R-G-29. The back half of the project site is the parking area servicing the animal hospital and the existing land use to the east is an auto repair service. There is a single-family home zoned for commercial use and a multi-family residential lot (duplex) located approximately 60 feet to the south, across a restaurant parking lot. Although the proposed animal hospital will be located less than 100 feet from the closest residential use, findings for a Variance are proposed due to site-specific considerations unique to this project. Conditions are also proposed that the use be limited to indoor areas (C-1) and no noise from animals be audible at property lines (B-2).

### ***Parking:***

Animal hospitals require one parking space per 250 square feet of floor area exclusive of boarding areas. The project site currently has 15 parking spaces. Exclusive of the approximately 500 square feet of the building devoted to boarding, the animal hospital requires approximately 10 parking spaces. (2,500 sq. ft. / 250 sq. ft. = 10) The project site exceeds the required parking by 5 parking spaces. The project site also has a joint parking agreement with the adjacent La Casita Restaurant parking lot, providing shared parking access to the approximately 40 parking spaces available on the adjacent property.

### ***Design Analysis:***

#### ***Architecture:***

The applicant proposes to enclose the existing patio area in the back of the building to expand the total building square footage from 2,400 square feet to approximately 3,000 square feet. The addition will provide more room for the exam and surgical areas and a larger kennel area. The proposed enclosure will be reviewed by staff in accordance with conditions limiting noise during the Development Organization (D.O. – building permit) process.

#### ***Circulation/Access:***

The project has frontage on Fremont Boulevard, with pedestrian access from the public sidewalk. The project parking lot is behind the building and access to the parking lot is through the adjacent property to the south, the La Casita Restaurant parking lot. The owner has an access easement to allow for ingress and egress over the neighboring property. Improvements to the site parking lot, landscaping, and drainage system will be included as part of the building permit (D.O.) plans.

Trip generation estimates were calculated to compare the existing use (specialty retail) to the proposed animal hospital. Based on ITE Trip Generation Rate (ITE #814), the existing use of the building is estimated to generate 106 daily trips and 7 PM peak hour trips, and the proposed project is estimated to

generate 133 daily trips and 8 PM peak hour trips. The change in the proposed building use would result in 27 more daily trips and 1 more PM peak hour trip. Fremont Boulevard has a weekday volume of 16,000 vehicles and a PM peak hour volume of 1,378 vehicles resulting in a weekday volume increase of 0.17% and PM peak hour increase of 0.07% along Fremont Boulevard. The proposed project will not affect the level of service along Fremont Boulevard.

**Urban Runoff Clean Water Program:**

The project is required to conform to the City's Urban Runoff Clean Water Program requirements. The proposed site and drainage improvements for the project include the construction of a bioswale along the eastern boundary of the parking lot. Runoff from the parking lot and part of the roof will be directed to the bioswale. Runoff from the remainder of the roof will discharge to the landscape areas around the building, before entering the underground storm drain system. The property owner shall enter into an agreement to maintain the on-site storm water treatment measures.

**FEMA Flood Zone:**

The project site is approximately 200 feet west of Laguna Creek, a riparian channel that is also known as Alameda County Flood Control and Water Conservation District Zone 6, Line E. Laguna Creek is a special flood hazard area (100-year floodplain), as determined by the Federal Emergency Management Agency. The project site is not within the 100-year floodplain, but the project is upstream from properties that are within the floodplain. The proposed use is not increasing the amount of runoff from the site and therefore will not increase the flooding potential of downstream properties in the Irvington area.

**Applicable Fees:**

This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance.

**Environmental Review:**

This project is categorically exempt from the California Environmental Quality Act because it involves a negligible expansion of an existing commercial use as defined in Section 15301 of the CEQA Guidelines.

**PUBLIC NOTICE AND COMMENT:**

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Public hearing notification is applicable. A total of 159 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on April 27, 2006. *The Argus* published a public hearing notice on April 27, 2006.

**ENCLOSURES:**

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**Exhibits:**      Exhibit "A"    Site Plan, Floor Plan, Elevations  
                     Exhibit "B"    Findings and Conditions of Approval

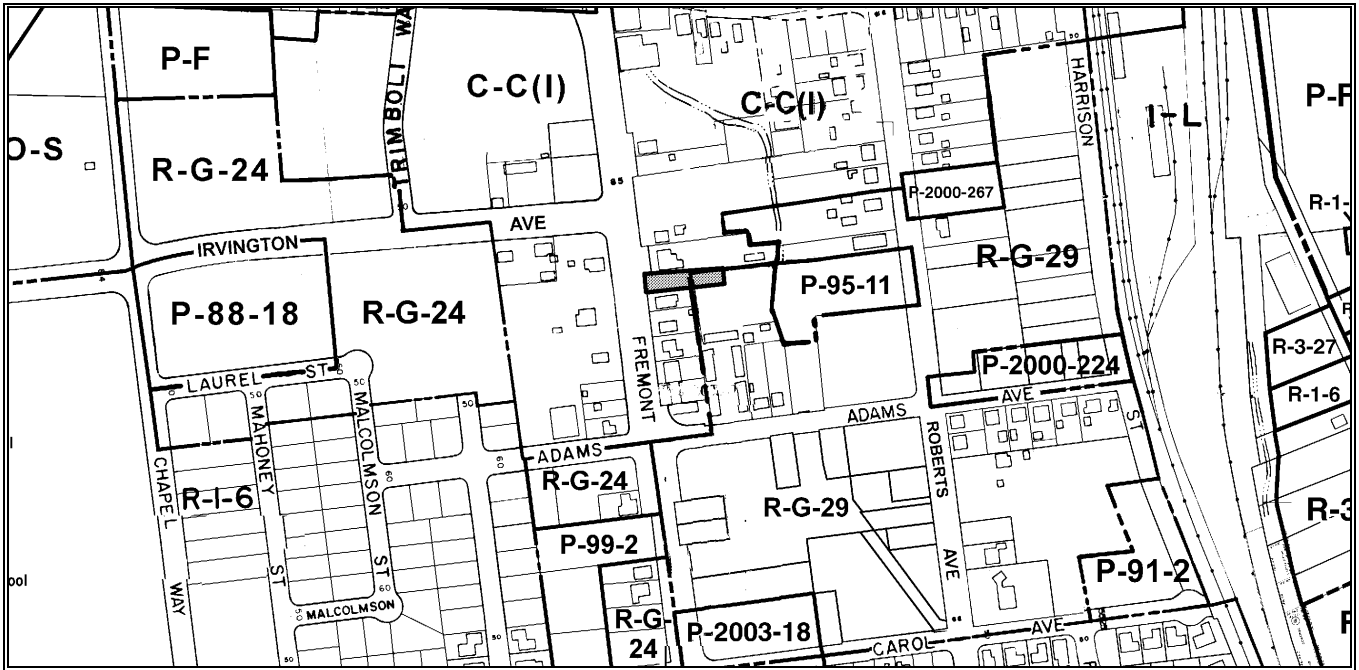
**Informational Items:**    1. Applicant Statement of Proposed Operations and Design Concept

**RECOMMENDATION:**

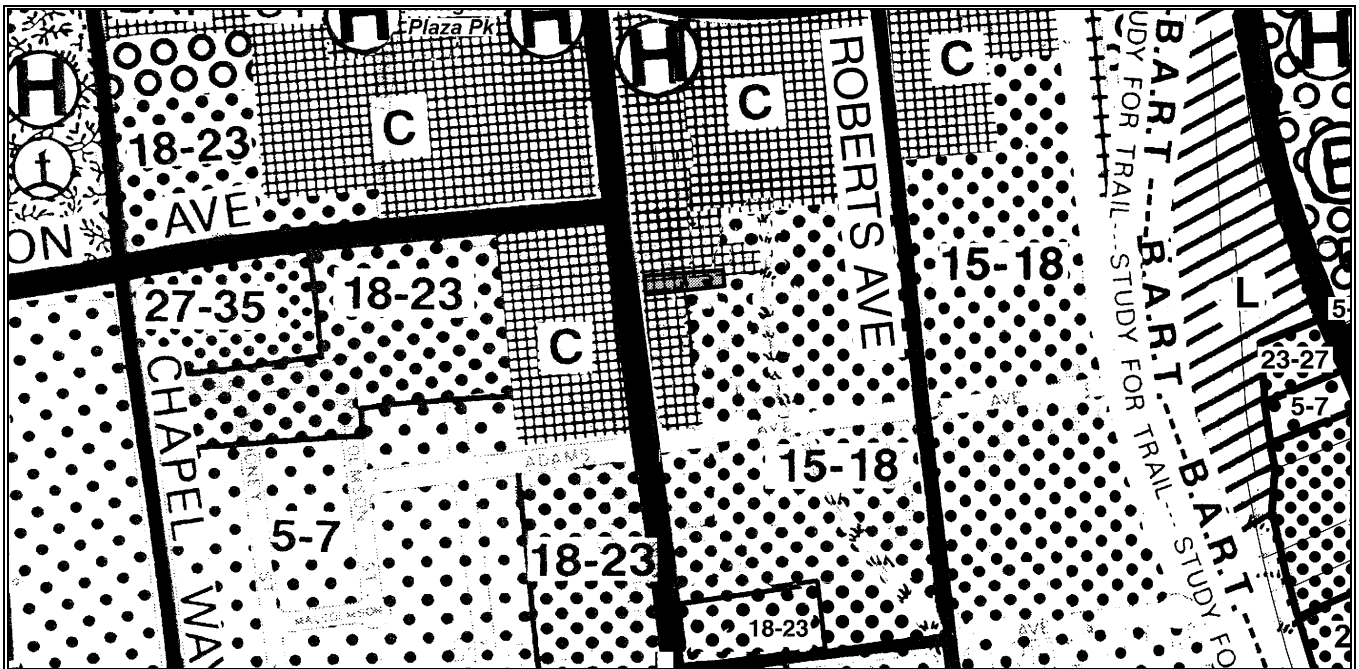
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1. Hold public hearing.
2. Find that Conditional Use Permit and Variance PLN2006-00223 are exempt from the California Environmental Quality Act under Section 15301 of the CEQA Guidelines.
3. Find that Conditional Use Permit and Variance PLN2006-00223 are in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Local Economy and Land Use Chapters as enumerated within the staff report.
4. Approve the Variance to allow a veterinary service within 60 feet of a residential lot as shown on Exhibit "A," based upon findings "f" through "h" and appropriate conditions of approval in Exhibit "B."
5. Approve Conditional Use Permit, PLN2006-00223, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B."

**Existing Zoning**  
Shaded Area represents the Project Site



**Existing General Plan**





**Exhibit “B”**  
**Findings and Conditions of Approval**  
**PLN2006-00223 – Irvington Pet Hospital**

**Findings:**

- a. The site is suitable and adequate for the proposed use because there is sufficient on-site parking, land use compatibility issues are addressed through the proposed design, and adequate conditions of approval are proposed.
- b. The proposed use is consistent with the General Plan because animal hospitals contribute to the goal of establishing a hierarchy of well defined, vital commercial areas meeting the retail shopping, entertainment and service needs of Fremont residents and commercial development in well established commercial districts.
- c. The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because the site has sufficient access from Fremont Boulevard through the adjacent parcel with a joint access easement.
- d. The proposed use would not have a substantial adverse economic effect on nearby uses because the proposal is a relocation of an existing animal hospital in the Irvington Area 500 feet to the south of its existing location.
- e. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because activities take place entirely within the structure and adequate structural measures and controls are required to prevent offensive noise and odor.
- f. Conditions are proposed that will assure that the adjustment hereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situate. The applicant is the only veterinary service in the vicinity, there is a mix of conforming and nonconforming uses adjacent, and the City is conditioning the project to ensure that noise and odor do not become a problem.
- g. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Although the residential district lot line is less than 60 feet away from the subject property lot line, the duplex itself is just over 100 feet away. The split zoning on these few parcels passes through the center of the lots instead of along the rear property line in the middle of the block as is typical.
- h. The condition or situation of the specific piece of property or the intended use of the property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

**General Conditions:**

- A-1. The project shall conform with Exhibit "A" (staff amended Site Plan) and all conditions of approval set forth herein.
- A-2. Plans shall be submitted to the Development Organization (D.O.) for review to insure conformance with relevant codes, policies and other requirements of the Fremont Municipal Code.

**Requirements before Operations May Commence:**

- B-1. Structures shall be designed in a manner to prevent the development of unsanitary conditions that could result in unpleasant odor or vermin nuisance.
- B-2. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so that animal noises will not be audible at any point on the perimeter of the property. Complaints received that indicate inadequate soundproofing may be treated as a nuisance under FMC Section 3-5300. Nuisances by animals.
- B-3. On-site storm drain inlets shall be clearly marked with the words "No Dumping Flows to Bay."
- B-4. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
- B-5. The project shall incorporate post-construction stormwater treatment controls and enter into an agreement with the City of Fremont to operate and maintain said treatment controls in perpetuity. The Operation and Maintenance Agreement is a legal document and is recorded on the title of the property. Responsibility for the Operation and Maintenance Agreement shall be legally transferred to all subsequent property owners.
- B-6. Prior to building occupancy, the project civil engineer shall submit a statement certifying that the installations of all post-construction stormwater treatment controls have been done properly and are in working order.
- B-7. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to the storm drain system. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.
- B-8. The facility shall have a sink or similar floor mat, container, and equipment cleaning area connected to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a roofed area outdoors; both areas must be plumbed to the sanitary sewer. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.
- B-9. Outdoor cleaning areas shall be connected to the sanitary sewer system and designed to prevent wash water or stormwater run-on and run-off from carrying pollutants to the storm drain system.

Signs shall be posted indicating that all outdoor equipment washing activities shall be conducted in this area. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.

- B-10. A roofed and enclosed area for dumpsters and recycling containers shall be provided. The area shall be designed to prevent water run-on to the area and runoff from the area, as well as to contain litter and trash so that it is not dispersed by the wind or runoff during waste removal.
- B-11. Provide handicapped accessible restrooms. Provide separate handicapped accessible men's and women's room as required. A unisex handicapped accessible restroom could be used only if there were to be four or fewer employees working in this facility. Refer to CBC Chapter 29 for details. Provide dimensioned restroom plan and all applicable accessible clearances and installation requirements. Refer to CBC Chapter 11B for details.
- B-12. Provide the following information for the D.O. site plan submittal:
  - a. Show the existing site features to remain and proposed site improvements in compliance with all code requirements.
  - b. Provide dimensions on the site plan.
  - c. Show accessible path of travel from Fremont Boulevard to the building entrance.
  - d. Provide van accessible parking. Locate the unloading area on the passenger's side.
  - e. Provide adequate lighting for the parking lot, subject to review and approval of the Development Organization.
- B-13. The applicant must submit, prior to the issuance of building permits, a building occupancy classification inventory form or hazardous materials inventory statement (HMIS), material safety data sheets (MSDSs) and a process description for all hazardous materials to be used, stored, or handled. These must accompany the final design submittals and any subsequent tenant improvement plans. If no hazardous materials will be onsite, the applicant must prepare and submit a written disclosure letter.
- B-14. The applicant must complete a hazardous materials business plan (HMBP) pursuant to Chapter 6.95 of California's Health and Safety Code and Title 19, Section 2620-2732, of California's Code of Regulations (CCR). Fire Department approval of the HMBP must be received and any necessary storage or operating permit(s) secured prior to moving hazardous materials onto the site.
- B-15. The applicant shall meet all requirements in the 2001 California Fire Code and local Ordinance #2485.
- B-16. The applicant shall comply with all applicable code requirements for installation of roof coverings.
- B-17. The applicant shall have a key box (Knox brand) located outside of buildings and provide keys to the Fire Department so they may gain access. Applications can be obtained at Fire Administration office, 3300 Capital Ave, Fremont.

- B-18. Address must always be visible from Fremont Boulevard.
- B-19. A Fire Department driveway access shall have a minimum 20 foot unobstructed linear width. These driveways/access roads shall be designated as Fire Lanes. Driveway /access roads shall meet Fire Department standards for surface type, distance, weight loads, turn radius, grades, and vertical clearance.
- B-20. When applicable, all curbing which outlines any fire lanes shall be painted red. White lettering reading "No Parking - Fire Lane" shall be a minimum of four inches tall and shall be placed every 30 feet or portion thereof, on top of designated curbing or striping. Install R26F (No Stopping Fire Lane) signs at 100' intervals.
- B-21. The applicant shall provide and maintain a security alarm for the entire building in compliance with the Fremont Police Department Verified Alarm Policy, and as it may be amended in the future

**On-going Requirements:**

- C-1. Structures shall be maintained in a manner to prevent the development of unsanitary conditions that could result in unpleasant odor or vermin nuisance. The entire operation shall be conducted within a completely enclosed building.
- C-2. Sidewalks and parking lots shall be swept regularly to minimize the accumulation of litter and debris. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge of soaps or other pollutants to the storm drain. If on-site discharge is required, the applicant shall contact Union Sanitary District for specific connection and discharge requirements.
- C-3. All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season. Additional cleaning may be required by the City of Fremont.
- C-4. Any hazardous materials and/or controlled substances shall be kept in a locked storage area and/or cabinet.
- C-5. The applicant shall comply in all respects with the provisions of the State of California's Veterinary Medicine Practice Act in Chapter 11 of the California Business and Professions Code.
- C-6. The hours of operation shall be limited to Monday through Friday from 7:30 a.m. to 6:00 p.m. and Saturday from 9:00 a.m. to 1:00 p.m. Requests for modified hours may be approved at the discretion of the Planning Director, who may refer such requests for Planning Commission review.